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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,274	02/12/2004	Jerome Talbotec	248803US6	5491

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ALEXANDRIA, VA 22314

EXAMINER

HANAN, DEVIN J

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,274

Applicant(s)

TALBOTEC ET AL.

Examiner

Devin Hanan

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/30/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/30/2005 have been fully considered but they are not persuasive. Applicant states that the Rowlands patent (U.S. Patent 6,071,077) does not show the tangential angle of inclination of the centers of gravity of the blades in a direction opposite to the direction of rotation. The examiner points out figure 6, which shows the blade cross sections and their different orientations. Looking at the cross sections S1 through S11 the assumed centers of gravity move in the direction opposite the rotational direction. The examiner assumes the blade is made with a consistent density so that the cross sections are indicative of the approximate center of gravity.

The changes made to the drawings and specifications by the 11/30/2005 amendment are accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowlands (U.S. Patent 6,071,077).

Rowlands discloses a blade with a plurality of blade sections extending along a line of the centers of gravity of said blade sections between a base (at 15) and a tip (14) of said blade, said blade being defined longitudinally between a leading edge (10) and a trailing edge (12), said blade presenting along a radial axis of said turbojet a bottom portion (section s1 to s5), an intermediate portion (section s5 to s7), and a top portion (section s7 to s11), said bottom portion extending radially from said blade base to a bottom limit of said intermediate portion, and said top portion extending radially from a top limit of said intermediate portion to said blade tip, wherein said bottom portion presents a longitudinal angle of inclination for a leading edge line (see figure 5a), said intermediate portion presents a backward longitudinal angle of inclination for said leading edge line (see figure 5a), and said top portion presents a backward longitudinal angle of inclination for said leading edge line (see figure 5a) and a tangential angle of inclination for said line of the centers of gravity of the blade sections in a direction opposite to the direction of rotation of said blade (see figure 1).

Regarding claim 2, Rowlands teaches of blade with a bottom limit of the intermediate portion of the blade lies in the range 40% to 75% of the radial height of said blade between its base and its tip (section s5 of figure 5a lies in that range).

Regarding claim 9, Rowlands discloses a turbojet machine including a plurality of blades (figure 1).

Regarding claims 10 and 11, Rowlands discloses the machine can be both a turbojet fan and a turbojet compressor (col. 1 lines 7-8).

Regarding claim 12, Rowlands discloses all the claimed limitation as discussed in the rejection of claim 1 above.

Regarding claim 13, Rowlands discloses all the claimed limitation as discussed in the rejection of claim 2 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowlands.

Rowlands presents angles of inclination, in figure 8, which are nearly equivalent to those chosen by the applicant.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to angle the blades of Rowlands at the Applicants disclosed inclination angles because Applicant has not disclosed that the inclination angles provide an advantage, are used for a particular purpose, or solve a stated problem. One of ordinary skill in the art, furthermore, would have expected Rowland's blade, and applicant's invention, to perform equally well with either the inclination angles taught by Rowlands or the claimed inclination angles because both

backswept blades would perform the same function of preventing noise during high speed operation.

Therefore, it would have been prima facie obvious to modify Rowlands to obtain the invention as specified in claims 3-7 and 14-18 because such modifications would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Rowlands.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Hanan whose telephone number is 571-272-6089. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 571-272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Devin Hanan
Patent Examiner
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1/9/06